

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: AMERICAN MEDICAL SYSTEMS, INC.,  
PELVIC REPAIR SYSTEMS  
PRODUCTS LIABILITY LITIGATION

MDL NO. 2325

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THIS DOCUMENT RELATES TO THE CASES  
ON THE ATTACHED EXHIBIT A

**ORDER**

(Dismissing Defendant American Medical Systems, Inc. with Prejudice  
and Transferring Cases to MDL 2327)

Pending in MDL 2325, 2:12-md-2325 [ECF No. 5607], is a Joint Motion to Dismiss Defendant American Medical Systems, Inc. with Prejudice filed by the plaintiffs identified in Exhibit A (attached hereto) and American Medical Systems, Inc. (“AMS”). Also pending is plaintiffs’ Motion to Transfer MDLs. [ECF No. 5607]. The Motions seek an order (1) granting dismissal of AMS as a defendant in these actions with prejudice because all claims against AMS have been compromised and settled, including all claims, counterclaims, cross-claims and third party claims; and (2) transferring the cases to the appropriate remaining MDL.

After careful consideration, it is **ORDERED** that:

- (1) The Joint Motion to Dismiss AMS with Prejudice and the plaintiffs’ Motion to Transfer MDLs are **GRANTED**;
- (2) Defendant AMS is **DISMISSED WITH PREJUDICE** as a defendant in the actions listed in Exhibit A;
- (3) These actions are **TRANSFERRED** to MDL 2327;

- (4) Pursuant to AMS MDL Pretrial Order # 249 (Docket Control Order – American Medical Systems, Inc. Wave 3 Cases), which states the following,

Transfer of any Wave 3 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. (“Bard”), Boston Scientific Corporation (“BSC”) or Ethicon, Inc. (“Ethicon”) MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

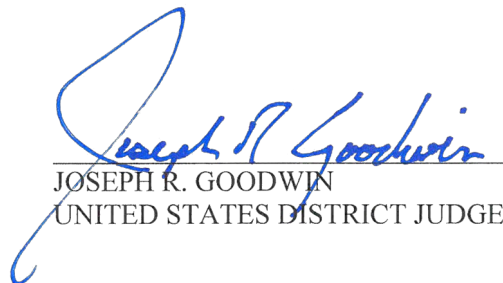
these actions are now subject to PTO # 280 entered in MDL 2327; and

- (5) To the extent an Amended Short Form complaint has not been filed, the court **DIRECTS** plaintiffs’ counsel to file the appropriate Amended Short Form Complaint within the time stated in the Motion.

The court **DIRECTS** the Clerk as follows:

- (1) Disassociate each civil action listed in Exhibit A as a member case in MDL 2325 and re-associate it with MDL 2327;
- (2) File MDL 2327, PTO # 280 in the individual cases listed in Exhibit A;
- (3) Change the 2325 Wave 7 flag to a MDL 2327 Wave 8 flag; and
- (4) File a copy of this order in 2:12-md-2325 and in the individual cases listed in Exhibit A.

ENTER: April 16, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

**EXHIBIT A – SAUNDERS & WALKER**

<b>CIVIL ACTION NUMBER</b> (listed numerically in ascending order)	<b>CASE NAME</b>
2:12-CV-07146	Nancy J. Allen v. American Medical Systems, Inc., Ethicon, Inc., Johnson & Johnson
2:13-CV-15536	Deborah J. Crouse, Richard R. Crouse v. American Medical Systems, Inc., Ethicon, Inc., Johnson & Johnson
2:14-CV-27299	Susan D. Victor, William R. Victor v. American Medical Systems, Inc., Ethicon, Inc., Johnson & Johnson